

NATURAL RESOURCES BOARD

Minutes

The regular meeting of the Natural Resources Board was held on Wednesday, September 25, 2002, at the Crex Meadows Education Center, County Road D, Grantsburg, Wisconsin. The meeting was called to order at 8:35 a.m. All September Board Agenda business was conducted by the Full Board.

PRESENT: Trygve A. Solberg, Chair
James E. Tiefenthaler, Vice Chair
Gerald W. O'Brien, Secretary
Herbert F. Behnke
Howard D. Poulson
Catherine Stepp
Stephen D. Willett

ABSENT: James E. Tiefenthaler (left at 4:00 p.m.)

Chairman Solberg called upon Senator Sheila Harsdorf to speak to the Board.

Senator Harsdorf Welcomed the Board to Northwest Wisconsin. She reflected on the tour of September 24 of the Brunkow Hardwoods property. She stated that they have tremendous challenges beginning with the budget shortfall, putting pressure on all agencies and all levels of state spending, coupled with the challenges of chronic wasting disease, which we know will have multiple effects including budgetary effects. Your efforts in using common sense approaches to these challenges is going to be very critical, not only as a Board but as an agency. She stated that she wished to draw the Board's attention to a number of local issues that are affecting the 10th Senate District: The Riverway zoning regulations, NR 118, re-write, spoke of the history and her concerns. She urged the Board and Department's attention to bring this issue to resolution. On Labor Day a dam gave way in Osceola causing a flood of water to come down. The ramifications of this disaster are multiple. They affect this water, about several hundred feet goes into the St. Croix River. It goes over Highway 35, which is a state highway. There is a need to do a hydrology study and I know things are tight but somehow we have got to figure out the resources of how that can be done because there is a tremendous amount of water coming through this region, through this watershed, and it is with absolute urgency that we address how best to redo this project. Senator Harsdorf urged the Board to continue to keep in mind how the Department can be more friendly to consumers, more friendly to the users of the State, the citizens of this State. She stated that she thought the Department still has a long way to go in insuring that the regulations that they have that they use common sense, are implemented in a fair means and fashion, and she urged the Board's attention to that as well.

Senator Harsdorf thanked the Board for their time and wished them all the best and looked forward to working with them in the future. If you have any questions, I will be happy to answer them.

Chairman Solberg thanked Senator Harsdorf for her comments and stated they would work on it.

ORDER OF BUSINESS

1. Minutes to be approved.
- 1.A. Full Board Minutes of August 14, 2002.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, approval of the Full Board Minutes of August 14, 2002, as presented. The motion was carried unanimously by those members present.

- 1.B. Committee of the Whole Minutes of August 14, 2002.

Mr. O'Brien MOVED, seconded by Ms. Stepp, approval of the Committee of the Whole Minutes of August 14, 2002, as presented. The motion was carried unanimously by those members present.

1.C. Agenda for September 25, 2002.

Executive Assistant Barbara Zellmer requested to move Item 7.A. Donation from National Office and Marshfield Chapter of Whitetails Unlimited, Incorporated, for materials for chronic wasting disease equipment to Committee of the Whole after Item 3.D.; and addition of Item 7.C. Donation from Walleyes for Tomorrow up to \$25,000 for the construction of a 1.65 acre rearing pond at the Kettle Moraine Springs Hatchery.

With those changes, Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approval of the agenda for September 25, 2002, as amended. The motion was carried unanimously by those members present.

2. Ratification of acts of the Department Secretary.

2.A. Real estate transactions.

Mr. O'Brien MOVED, seconded by Mr. Tiefenthaler, approval of the real estate transactions, as printed. The motion was carried unanimously by those members present.

3. Committee of the Whole.

3.A. Citizen Participation.

3.A.1. Francis Ogden, River Falls, as President representing Citizens for Responsible Zoning and Landowner Rights, speaking on the revision of NR 118 Lower St. Croix Land Use Regulation. Mr. Ogden spoke in opposition to the way Department of Natural Resources is handling this issue. Mr. Ogden referred to a handout that he forwarded to the Board which included his presentation; a letter from the Citizens for Responsible Zoning and Landowner Rights, Incorporated dated September 23, 2002 to the Board regarding approval of the Cooperative Management Plan for the Lower St. Croix; and a letter addressed to Secretary Bazzell from this group dated September 13, 2001. He reflected upon the Departments mission statement and strategic plan. Mr. Ogden stated that he was frustrated with another year of meetings and this issue still has not been revised. He stated that the rules were intended to create a national scenic riverway, they are enforced much more strictly on the Wisconsin side than on the Minnesota side, and they have been trying to create uniformity (having the same rules on both sides of the river).

Discussion pursued regarding variances, be conforming for restructure on the riverway, define structures as conforming, structures being legal when built and should still be legal, having the Department set a deadline and get this issue solved.

Mr. Willett stated that it is up to the Department to put this in a form of a regulation, let the legislature have a look at it and go from there. Mr. Behnke presented a memorandum from Secretary Bazzell on the Status Report Revisions to NR 118 Related to the Lower St. Croix National Scenic Riverway. He asked the Secretary to report on the memorandum. Secretary Bazzell responded, as you can see from the memorandum there has been a significant work that has in fact occurred since the master plan was approved by the Board a year ago. There clearly are a couple of issues that have not been solved, there is discussion around those issues. What they are proposing to do is similar to what they have done with other rules and that is put together an advisory group, work with those remaining issues, bring a draft rule to the Board for its consideration, as we would with any other rule. Mr. Behnke asked when this could be done. Secretary Bazzell responded that they were in the process right now to getting an advisory group together so they can resolve the remaining issues. Mr. Behnke asked, if this would be within the next 90 days. Secretary Bazzell responded, that certainly is their intention. He stated that he spent time with Franc Fennessy, Deputy Secretary, this morning stating he thought they could have a draft and out the door before the end of the calendar year. Mr. Behnke then suggested that the Board await this development and reopen the subject at that time. Chairman Solberg responded, that he concurred but he thought they should let everyone know that they have to come to some conclusion at that period of time. We need a resolution. Secretary Bazzell responded, that there is a draft rule and staff have, in fact, made recommendations, a number of recommendations that have not been concurred with a land use group that has been looking at these issues and have not had consensus within that group. He agreed with the Chairman that at some point in time they need to

move forward, but needed broader input before they move forward. **Mr. Willett** responded, it seems that the consensus of this Board is going to need to get through something with NR 115 and NR 118 they need to get away from non-conforming. **Chairman Solberg** responded, there needs to be some vehicle for these people that were legal before and now they are not, or something in this rule regarding conforming structure, there has to be some way to get that done in this rule. **Mr. Behnke** stated that the issue is still unresolved because they are dealing with local DNR staff. I would like to request that we get direct involvement from the Secretary's office at the meetings in the future, with the citizens and the public, no longer leaving it to the local personnel. **Secretary Bazzell** responded, Franc Fennessy actually directly supervises the staff there, the staff is supervised by the Secretary's office, and Franc is very directly involved with this issue. Mr. Fennessy did attend the most recent meeting. **Mr. Tiefenthaler** responded, the last sentence in the memo states that the Department will be seeking authorization for hearing on the rules in early 2003. I would like to amend that and say that I would like to have that in January. **Chairman Solberg** responded, we talked about in 90 days, whatever 90 days comes out to. Secretary Bazzell responded, he would be fine with that to express as a goal, to make sure that we pole our citizens and come together and hold one or two meetings. The only thing he cautioned the Board on is when you talk about getting citizen groups together on this very set of complex issues, they are very broad, they have not had any opportunity yet to discuss them and to bring together this group together on these complex issues I suspect it might take a meeting or two for them to figure out where we are trying to go with this and achieve a consensus. We would like to get this done yet this calendar year and ready to go for January. **Mr. Behnke** stated that it is a matter of what I want and what the law allows and I believe that the Secretary has indicated his willingness to put forth the effort to get this resolved within 90 days so lets leave it at that. **Chairman Solberg**, responded that is true but I think at the same time the Secretary should have an understanding of how some of us Board Member's feel and how they should bring some of this back. I feel very strongly about that, we just want the Secretary to know which direction that I think we should go.

3.A.2. **Paul Mosby**, Town of Clifton, representing himself, speaking on Lower St. Croix rule making process of NR 118, expressing his concerns. Mr. Mosby stated that he is a riparian owner on the Lower St. Croix and that he has spent seven years dealing with this rule making process of NR 118. He reflected on his acreage and the state of his property. He spoke of his own personal experience with filing a permit. Mr. Mosby handed out his permit conditions for the Board's review. He referred to issues the group discussed and voted on. One of the biggest issues that stands with the Department is a one size fits all regulations and when you are dealing with natural resources it is very difficult to regulate across the state on any waterway with one regulation. Where water levels on an average year, if there is such a thing anymore with global climatic changes, vary eight to ten feet a year. Piers are not permitted on the Lower St. Croix, floating docks are permitted. The Land Use Advisory Group, which was formed by the Department, the Minnesota DNR, and the National Park Service, made up of 44-48 members representing every political entity which touched the river as well as organizations such as the Sierra Club, the St. Croix River Association, White Base, and unlike the task force that resulted in the comprehensive management plan the master plan for the river, which meet for almost three and a half years (54 meetings). The Land Use Advisory Group, which meet for over three years, took votes to take positions on various issues. For the most part were a broad cross section of the public represented were fairly one sided. One happens to be rejecting ordinary high water mark on the St. Croix. The folks in the Bureau of Legal Services, since the ordinary high water mark prevails throughout the State of Wisconsin, but being impounded water with these water level changes the only thing that makes sense on the Lower St. Croix is a finite point so they adopted in an overwhelming vote (The Land Use Advisory Group) the term rivers edge. Rivers edge being set at water elevation 675 feet above sea level. This happens to be the level at which lock and dams maintains the water on the Lower St. Croix in an average year for nine months a year. Mr. Mosby handed out copies of riprap permits for review by the Board that were issued on the Lower St. Croix.

3.A.3. **John Jansen**, Lake St. Croix Beach, MN, representing the Partnership Team of National Scenic Riverway, spoke in support of the Riverway and the Cooperative Management Plan. Mr. Jansen reflected on his history as a lawyer, a retired Judge in the worker's compensation area, involved in local government most of his adult life of which involved he was a former County Attorney of Washington County, former Mayor of Lake St. Croix Beach, and member of the City Council. He stated that he has been involved in the process of the scenic riverway and the rewriting of the rules since it started six or seven years ago. He has been diligently working on the master plan with the groups. Mr. Jansen urged the Board to support the final rule close to identical of both states. Strong concessions of the Advisory Groups is that both sides have similar rules and regulations on the river because it is confusing for those living and using the river. Minnesota is in the process of drafting their rules, there will be

public hearings in that state. Mr. Jansen urged the Board to support the premise that the rules be as closely identical as possible and to approach them jointly.

- 3.A.4. **Andrew Pichotta**, Ellsworth, as Administrator of Land Management Department representing Pierce County, speaking on concerns he has about the rule making process for the Lower St. Croix issue. Mr. Pichotta presented the Board with Resolution 02-09, regarding St. Croix Riverway Rulemaking Process signed by Richard Truax, Chair of the Pierce County Board of Supervisors. Mr. Pichotta read the resolution in its entirety. The resolution encouraged the Wisconsin and Minnesota Departments' of Natural Resources to hold additional Land Use Advisory Committee meetings to allow discussion, debate on remaining items, to consider extending the 30-day comment period, and to ensure that the administrative impacts of any new rules on local permitting authorities are considered.

Discussion pursued on the differences between Minnesota and Wisconsin regarding conforming and non conforming issues.

- 3.A.5. **Ed Frank**, Madison, representing Wisconsin Sharp-tailed Grouse Society, spoke in support of removing the sharp tail grouse permit application from patrons license. Mr. Frank stated that the Wisconsin Sharp-tailed Grouse Society's Board of Directors requests the Natural Resources Board to remove the free application for a STG hunting permit from the conservation patron license privileges. He stated that if this is done, the sharp-tailed grouse applications would cost \$3.00 for everyone who applies. He further stated that in the opinion of the Sharp-tailed Grouse Society that free conservation patron license applicants with no serious intention of actually hunting, swamp the available permit pool lowering success rates permit issued to very low levels.

Discussion pursued regarding considering removal of the sharp-tailed grouse from the conservation patron license, the \$3.00 fee, how this could be implemented and when.

Mr. Behnke requested that the Department to do this through the proper vehicles regarding the sharp-tailed grouse removal from the conservation patron license and come back with a recommendation.

- 3.A.6. **Carl Braunreiter** – Prescott, representing himself, speaking on the Lower St. Croix issue, spoke in opposition of the way the procedures are being handled with this issue. Mr. Braunreiter stated that he testified in September 2001 and alluded to the fact that he felt things were going on behind closed doors with this management plan and that the public is not being allowed their input and their input was being overridden and continues to happen in this process. He further stated that it is his opinion the open meeting laws were being violated because of closed meeting taking place without. He referred to his handout of his presentation at the September 26, 2001 Natural Resources Board Meeting; Chapter 19, Subchapter IV Open Meetings of Governmental Bodies pages 1 and 2; analysis of status of final LUAG draft rules; e-mail message from Mr. Braunreiter to the Amy Denz of the Department of Natural Resources and Senator Harsdorf regarding comment on generic draft rule; letter dated July 7, 2002 from Mr. Braunreiter to Amy Denz regarding the comments of June 12, 2002 Land Use Advisory Group; report of Falcon Appraisal Services; letter dated December 3, 2001 from John Coke, Engineer with the DNR, to Mary Ellen Vollbrecht, DNR, regarding Width of Seasonal Floating Piers; e-mail message from Don Dinesen, concerned citizen, dated May 15, 2002 regarding St. Croix issue; copy of letter to former Secretary Meyer of the DNR from State Representative Kitty Rhoades, regarding Act 153 letter labeled wrong by Rhoades, editorial in Milwaukee Journal Sentinel dated January 11, 2001; and a letter (not dated) to Mr. Braunreiter regarding Pier on Lot 8 from Eunice Post, Water Regulation and Zoning Specialist. Mr. Braunreiter stated that the rule plan had grown from 24 pages in January to 38 pages in June, the majority of this growth was new additions by staff. He stated that he felt things were being added to this document that had not been discussed by the group, they are not allowed to do this under the open meeting law. Some of the items in the document that were upsetting to Mr. Braunreiter stated that some of the outlandish things bogging down the process are: not being able to display the American flag, vegetative cutting in yards and being fined for it, if you violate the permitting process you would loose your viewing rights. He then spoke of six wide foot docks.

- 3.A.7. **Bob Rolle**, Town of Troy, representing the Wisconsin St. Croix Riverway Partnership Team, spoke on the St. Croix issue, opposing the way the Department of Natural Resources is handling this issue. Mr. Rolle recommended, as the Secretary recommended, that the Secretary recognize the partnership team that you approved

when the master plan was approved. He also recommended that non-conforming structures need to be addressed. Mr. Rolle commented on shoreland zoning, reconstruction of existing structures, and the expansion of existing structures that are non-conforming. He stated that he felt the DNR rejected what they thought they had agreed to at their meeting in St. Croix Falls, the ability of existing non-conforming structures to reconstruct themselves on the same footprint. He reflected on the Kenosha case regarding non-conforming. He asked that Wisconsin adopt the same regulation that Minnesota has. He further urged the Board in the establishment of the Lower Wisconsin Riverways to use the wording repair the re-constructive structures are permitted as long as they are no longer in size and no more visible from the river than they were immediately before they were damaged or repaired. In summary, Mr. Rolle asked the Board to reject the idea that we are not going to get to the issue of conforming construction re-construction but there is an additional issue which he feels can be resolved and should be resolved to the partnership team in the two states and that is add additional rule that will allow for re-construction because there are a lot of houses on the river that need to be rebuilt and the people want to rebuild. He supplied photographs to the Board for viewing.

Ms. Stepp commented that these folks are talking about fundamental property rights issues. She stated that she sees this time and time again in Racine County building on lake fronts. She further stated that she knows they are talking about one particular river here, but it outrages me inside that we are trying to tell people that what was legal at the time it was built now they can't improve it, they can't make it look better. To me it is a flat out way to try and get rid of all the structures along the riverways and it is an un-American violation of landowner rights.

Mr. Tiefenthaler asked if anyone has taken our statutory laws that affects the riverway and compared them with Minnesota. He would like to know what is statutory, what is administrative rule, and what the interpretation is. He asked that we have someone do that.

- 3.A.8. **Kathryn McKenzie**, Superior, representing herself, spoke on coordination services of the natural resources and the lack of planning by her county. Ms. McKenzie stated that they need someone from Wisconsin DNR for the super fund site on the St. Louis River Committee. She reflected on her history as a member on several different committees. She spoke of attendance of Wisconsin DNR staff in relationship with Douglas County, which has no staff conservationist. She further spoke of Lake Superior's level dropping the world running out of fresh water and the fight to control it has begun. Ms. McKenzie further stated that burn barrels need not be permitted, they are still permitted by the Wisconsin DNR but not in Minnesota. Lastly, she spoke on global warming impacting diversity and models showing a hot spot northwest of Lake Superior.

- 3.A.9. **Donna Brown**, Town of Lakeside, representing herself, speaking on Lake Superior red clay shore, would like the Brule River State Forest extended to the shoreline. Mr. Brown stated that she is in full support of extending the Brule River State Forest along the coast of Lake Superior. She presented her history of protecting this area. She stated that she is concerned that after she is gone she fears that Douglas County, as in the past, has not been good at monitoring this. She spoke of federal regulations. She stated that she feels the county has no desire to protect this area and had no intention to protecting this red clay shore. Ms. Brown urged the Board to keep this undeveloped area protected and she would like to see the DNR extend the master plan for the entire Douglas shoreline.

Discussion pursued regarding farms in the area.

- 3.A.10. **Bob Olsgard**, Sarona, representing Lake Superior Advisory Team, speaking on special designation recommendations. Mr. Olsgard reviewed the history of special designation respecting high quality water in Lake Superior to protect Lake Superior from nine bio-cumulative toxins. Mr. Olsgard along with the Lake Superior Advisory Team recommend that point source discharges involving changes to Wisconsin Natural Resources Code and an attempt for comprehensive protection program for watershed health for the Lake Superior basin.

Discussion pursued regarding Ontario, Canada, and where they were at with this issue.

Mr. Olsgard stated that the problem is the clay soils of the Lake Superior drainage basin can be very rapidly cut into and washed away by rain or snow, threatening habitat, shorelands, the vary basin itself is being washed into the lake. What is needed, the Team feels, is a coordinated work effort by all, involving more than the Wisconsin Department of Natural Resources and the Team is hoping that the Wisconsin DNR will receive more support and

be an active partner in this. What is missing is a coordinated sustained effort. The Team's recommendation is to slow the flow of water into Lake Superior. Mr. Olsgard asked for support of a pilot program that will look at how best to coordinate the activities of local, state, federal, private citizens, whether it is education or subsidies, to slow the flow of water into Lake Superior and increase the quality of habitat and high quality water.

Discussion pursued regarding non-point rules.

- 3.A.11. **Liz Lundmark**, Superior, representing Lake Superior Advisory Team, speaking on special designation recommendations. Ms. Lundmark reviewed her concerns of industry regarding discharge. She recommended essentially the same as was originally proposed by the Wisconsin Great Lakes Initiative rule making with the addition of extending what is essentially Wisconsin outstanding resource waters designation to selective zones of Lake Superior for particular protection. They also recommend that these specific waters be classified as outstanding resource waters. They are proposing to extend that same designation into a zone, into the actual basin. The group also recommended are regarding point sources for the best technology designation, classifying all surface waters of the Lake Superior Basin as international Lake Superior resource waters.

With the long history of this team that was put together by Former Secretary Meyer, Secretary Bazzell, on behalf of the Department of Natural Resources, presented Mr. Olsgard and Ms. Lundmark with a plaque for the Lake Superior Public Advisory Team as a token of DNR's appreciation as a token of appreciation for the fine work they have done. Secretary Bazzell then recognized Nancy Larson, Interstate Lake Superior Specialist, who symbolizes the hard effort of the many staff that have worked this issue for a number of years. Nancy has been instrumental in helping to find that common ground and build the coalition. Secretary Bazzell stated that he wanted to specifically recognize her special effort.

- 3.A.12. **Kent Hall**, Stevens Point, representing friends of Mead McMillan Association, Incorporated, speaking on naming rights in the Mead State Wildlife Headquarters and Education Center. Dr. Hall stated that he is a retired professor of biology from the University of Wisconsin Stevens Point. He stated that approximately one year ago he took on the coordinatorship of fund raising for the Mead State Wildlife Area Building and in that time he spent 1400 hours of volunteer service. In addition, his wife and he donated \$27,000.00 to this building. Dr. Hall handed out a packet of funding raising sheets, information relative to the building, a list of procedures for naming department properties and facilities, procedures for allowing groups and individuals to place plaques or signs on properties, and also the artist's rendition of the building along with the floor plans. He reviewed the floor plan and purpose of the building. They feel that the building is exemplifying Secretary Bazzell's two planks in his administration, as in his e-mail message in this particular publication, he talks about the importance of partnering and the importance of education. Dr. Hall reflected on Ted Eubanks and the Central Wisconsin Branch of the Great Wisconsin Birding Trail and what they have accomplished in raising money. He referred to the funding techniques his group used to raise money for this building. He referred to the groups and associations that participated. He further stated that the corporate donors, without exception, are donating primarily for their love of the resources. But in fund raising, the American way, is to provide recognition. Dr. Hall stated they received a potential donation of \$125,000 from a firm that wanted the building named after them. Dr. Hall stated they knew they had someone else in mind. Dr. Hall's group spoke to the corporation about changing their donation. They agreed to allow the educational wing to be named after them. Dr. Hall stated that his group submitted this to Secretary Bazzell and he rejected that possibility. He further stated that if they do not get that donation, there would be a problem, because by October 15 they must have the entire financial package to the Department of administration. Otherwise, they will not be able to move forward with the building as they have designed. Dr. Hall concluded they have a compromise position that he thought would work, especially after seeing there has been a tremendous number of corporate donors to this facility. He didn't see that it would be a major problem.

Chairman Solberg passed this to Secretary Bazzell for comment.

Secretary Bazzell responded, I would appreciate that and would appreciate written testimony. Lets make it clear to the Board, I have not been approached by a Friends Group, there has been no proposal submitted to me. I am a little concerned about the representation that is being made here. Having said that, the Friends Group has done a tremendous job of raising dollars, not just for this project but over the years they deserve an awful lot of thanks. As I understand this issue, in talking with Regional Director Scott Humrickhouse, with this issue comes down to how do you properly recognize the contribution from a company. Not a private individual or a nonprofit group.

My understanding was that the original proposal was to be named after a private for profit company. I indicated that there is, to the best of my knowledge, no precedent for that, not just through the Wisconsin Department of Natural Resources, but for anywhere in state government. I understand that there have been discussions over the past few days of other appropriate ways that might be acceptable to the donor for them to be properly recognized. The donors should be recognized, no question about that. My understanding is that what is being discussed, at the present time, would be some sort of a plaque that would be displayed where this room is going to be. I want to make it clear to the Board that I have not been approached by the Friends Group, there has not been a specific proposal in front of me, but it sounds like an issue that can be easily worked out, in my opinion.

Discussion pursued regarding the generosity of private corporations and recognizing them, areas to be named within this building, partnering, and solving this problem.

Chairman Solberg – I think Secretary Bazzell has said, they would agree and go along and solve this so the building can go up.

Secretary Bazzell – We are in a process of actually updating our policies on fund raising, advertising, all these kinds of issues. The issue is not a strategy we have pursued, it is probably not a strategy of a regulatory agency as a mechanism to these funds. I think that the issue is easily resolvable.

- 3.A.13. **Tony Fornengo**, Danberry, representing T and T Ranch, speaking on wolf depredation. Mr. Fornengo presented the Board with a report from his veterinarian, Gregory Palmquist, D.V.M., for the T and T Ranch, Danbury, Wisconsin for the past 17 years. The report reflected on the care and maintenance of Mr. Fornengo's cattle. Mr. Fornengo indicated that he was informed by DNR staff that if five of his calves were verified wolf kills they could be trapped and moved. A program was started after this because his range had been losing so many calves, proving as many as they could, taking off a certain percentage. He stated that every year it keeps getting worse and the DNR staff informed him that there would be no problem with reimbursement. He further stated that for the 2001 year they proved nine calves as wolf kills and came up with 83 calves missing and the DNR staff stated that they were too many to claim and DNR couldn't pay for that many. Mr. Fornengo stated that the DNR were only going to pay for 35 calves because the amount of wolves there could have only eaten that many. Mr. Fornengo stated that he was upset because the wolves were still there, they are still killing his cattle, they are chasing my cattle to death. Last week they sent the trappers back because he was calling DNR again, they trapped another two more wolves immediately. He spoke of the number of wolves on his land and DNR trapping and moving them. The wolves are chasing them something fiercely, he referred to the report from his veterinarian that explains that this chasing has to quit because they are not wild animals. It is inhumane to let these wolves chase these cattle to death, they are penned up, they can't go anywhere. He gave an instance where the wolves got into his pen, with an eight foot fence and 12 inch pots in the ground, they cased his calves. He stated that he doesn't get any reimbursement for that and for all the time and effort he puts into these calves when they are endangered by these wolves. He stated that he is living out there this year and he has only proven 26 calves. This isn't a dairy farm, I shouldn't have to live out there. He stated that he use to go out there twice a week but since the wolves are around he now lives out there. He put on over 3,000 miles on one four wheeler since he started calving. Mr. Fornengo stated that he is operating two other businesses which offset his costs, otherwise there isn't any way he could sustain these losses. He stated that he needs some help from someone, they had this farm in his family for 50 years and he isn't about to lose it to the wolves.

Chairman Solberg stated that as he understands it in a month or two the wolves are going to be delisted. He asked Mr. Fornengo if the DNR has talked to him about that. Mr. Fornengo stated that it will help, but what is going to help last years losses. He stated that he needs to get paid the way that he had been getting paid for his losses. The delisting will help if they let him shoot them but he very seldom sees the wolves. It hasn't been getting better because as fast as they move the wolves there are twice as many moving back in. Mr. Fornengo stated that he was happy with this program if he kept track of every number, every calf, got paid for each one lost, even with getting paid I lose money.

Mr. Tiefenthaler asked the Secretary to comment on why we would suddenly reach a plateau. **Secretary Bazzell** responded, we need to take a look at the situation. Department staff aren't here to share their perspective on this. We need to go back and look at this situation and make sure that we are applying the policy in a fair and consistent manner. **Mr. Fornengo** responded, the DNR told him he had 30 days to either accept their offer. **Mr. Behnke**

stated that he appreciates that the Secretary will review the policy and its applicability here. He asked if the policy itself should be reviewed. We have heard a number of complaints whereby we are saying we will only pay for X number of lost animals. That is fine for one side of the equation but it is not fine for the cattle that are being destroyed. I would suggest that we request that the policy itself should be reviewed. Mr. Behnke reflected on another situation in the state regarding wolves killing for food. He stated that he is a great supporter of the wolf program, but he also thinks there has to be fair consideration for those being harmed by this wild wolf population that we have and requested a look at the policy. **Mr. Poulson** responded, I think at the same time we want to be sure that the Wolf Committee and all that participants have people like this gentleman on there working with them. It has to have some farmer input and he has been concerned about where that committee was going. **Chairman Solberg** responded, Mr. Fornengo, did not ask for these wolves to be put in this state. He has a livelihood and he has every right to be protected. We should bend over backwards to take care of these problems. If we want wolves in our state, we need to do what we have to. **Mr. O'Brien** responded, we don't have a choice. **Mr. Tiefenthaler** added, when we approved the wolf management plan, in that plan and it was discussed that if there were problems, we would be able to shoot them after they were delisted and landowners could shoot them if it was determined if wolves indeed were causing the damage. We left that out of the management plan because it was politically popular at the time. If this policy gets reviewed, as Mr. Behnke has suggested, and I whole heartedly concur with this that we need to look at the policy, I would be ready to open that wolf management plan up tomorrow for this very instance, which we had predicted at the time. **Mr. Behnke** added, this isn't the only instance. **Chairman Solberg** responded, part of the problem, like Mr. Fornengo said, he isn't there all the time and for him to kill them and that is another part of the policy, I agree with you. **Mr. Fornengo** added, after this year I was told that DNR wouldn't pay for any more that we can't prove. Sometimes I can't find these lost calves, sometimes there is something left and sometimes there is nothing left. If we have to prove finding that evidence of the calf, we are all done. I have come here to try and get some help because I can't afford this. Steve Miller, Administrator of Division of Land, responded, there is no question that Mr. Fornengo has a problem. The staff has tried to work this out and I think Mr. Fornengo's frustrations are obvious. We are going to have to do something different. One issue we have is that we not only pay for varied loss but we pay for the missing animals. There is a disagreement between our folks and Mr. Fornengo about how many missing animals are truly wolf kills. Obviously, we are here because of the big disagreement. We are going to need to go back and review this, they were talking about claims in 2001. We had made an offer to settle for about \$21,000.00. Mr. Fornengo feels it is unacceptable and he has rights to appeal that. **Mr. Fornengo** asked how he would appeal this. **Mr. Miller** stated that he just did. We will go back with the Secretary to review this whole matter and see what we can do. As far as the down listing for wolves, we are hopeful that by the end of November that we will be able to kill wolves in this state. We are going to need to kill some wolves because of depredation. That will help somewhat, in the meantime, there have been over 21 wolves trapped from Mr. Fornengo's property and only three have really not moved off the property because they were lactating females. This is the chronic problem that we have in this state and it is getting more frustrating all the time. We will just need to work harder with Mr. Fornengo to get this solved.

3.B. Designation and Naming of Peshtigo River State Forest.

Gene Francisco, Administrator, Division of Forestry, presented the designation and naming of Peshtigo River State Forest. Mr. Francisco stated that he was pleased to request that the Board name the Peshtigo River property the Peshtigo River State Forest. It has been 30 years since a state forest has been established in Wisconsin, the last being the St. Croix River State Forest. In designating this new state forest it will certainly demonstrate the Board's commitment to forestry in the State of Wisconsin which is extremely important to our environment and our economy.

In November, the Natural Resource Board approved the purchase of approximately 9,239 acres of land along the Peshtigo River in Marinette and Oconto Counties from the Wisconsin Public Service Corporation. Mr. Francisco reviewed the public informational meetings in Crivitz and Green Bay. He stated there was broad support at those meetings for managing the property for multiple use benefits that had been managed under Wisconsin Public Service. That kind of management has been consistent with the principles of sustainable forestry and state forest management. The Department needs this designation so they can continue on with the master planning process.

Mr. Behnke MOVED, seconded by Mr. Willett designation and naming of Peshtigo River State Forest, as presented. The motion was carried unanimously by those members present.

3.C. Review and approval of the Department's 2003-2005 Biennial Budget, including the Clean Water Fund Biennial Finance Plan and the 2003-2005 Capital Development Budget.

Joe Polasek, Director, Bureau of Management and Budget, **John Hagman**, Chief, Facilities Management Section, presented review and approval of the Department's 2003-2005 Biennial Budget, including the Clean Water Fund Biennial Finance Plan and the 2003-2005 Capital Development Budget.

The Department's 2003-2005 state biennial budget request includes operating budget, capital budget, and Environmental Improvement Fund Components:

2003-05 Operating Budget – using the best data available at this time, the proposed operating budget totals \$1.0 billion for the biennium, an increase of \$20 million, or about 2% over the current budget. The Department's budget will not increase GPR appropriations above the 2002-03 base and allowable standard budget adjustments. There are no new initiatives in this proposal financed with GPR funding. The budget request does not increase the Department's staffing levels the 2002-03 levels. Because the Department has only recently received final numbers from the Department of Administration regarding the Department's funding for the 2002-03 adjusted based fiscal year, we have not been able to calculate all full funding costs for the 2003-05 biennium to include in this package. As a result, the \$1.0 billion biennial budget total figure may change, once the adjusted base and costs to continue elements are calculated.

2003-05 Capital Development – The budget would authorize \$46.9 million for capital development.

2003-05 Environmental Improvement Fund Biennial Finance Plan (formerly Clean Water Fund). The Biennial Finance Plan increases revenue bonding and present value subsidy authorization for the Environmental Improvement Fund. Revenue bonding authorized for the Clean Water Fund Program would be increased by \$259.7 million, to a cumulative total of \$1.7 billion. No increases are proposed in general obligation bonding. Present value subsidy would be authorized at \$92.4 million for the Clean Water Fund, \$12.8 million for the Safe Drinking Water Loan Program, and \$12 million for the Land Recycling Loan Program. Mr. Hagman presented the Board with specific areas. Key budget issues include fighting chronic wasting disease, addressing the spread of exotic species on land and water, enhancing forest ecology efforts and fire fighting capacity, improving and protecting Wisconsin lakes and rivers, operating state parks and trails, protecting the safety of public water supplies, and increasing the efficiency of the water and wetland permit program. It was recommended that the Board approve the Department's 2003-05 operating and capital budgets, and the Biennial Finance Plan.

Mr. Tiefenthaler MOVED, seconded by Mr. Behnke approval of the Department's 2003-2005 Biennial Budget, including the Clean Water Fund Biennial Finance Plan and the 2003-2005 Capital Development Budget, as presented.

Citizen participants on this issue included:

- 3.C.1. **Donna White**, Cambria, representing Wisconsin Snowmobile Association. Ms. White handed out a copy of the Snowmobile Items in DNR 2003-05 Biennial Budget. She shared background of the Department with their association. She reviewed the snowmobile budget and demonstrated the recognition of the importance of snowmobiling in Wisconsin and the fact that Wisconsin does have one of the best snowmobiling programs in the nation. Each biennium they review proposals with the Department. She then reviewed the items in the budget that reflected on snowmobiling and expressed her appreciation for the DNR.
- 3.C.2. **Scott Makowski**, Menomonee Falls, representing Wisconsin Snowmobile Association and Snowmobile Safety Instructors. He stated that he had been the Chair of the AESC Safety and Education Committee and a DNR snowmobile safety instructor for over 20 years. In relation to the snowmobile safety education program, he stated that the mandatory education was initiated by the AWSC Safety Committee, that the DNR for years required the personal appearance of wardens at these safety classes, that safety program developed is a very important and

useful component of the whole program. He further stated that there is no substitute for personal instructor contact, no interactive CD can do that. Mr. Makowski further stated that AWSC directors voted their feelings and experiences in directing its officers to pursue a course requiring youth to participate in an instructor led class. He requested the Board to take action on the AWSC's request that Wisconsin youth between the ages of 12 and 16 be required to continue to take the course in a classroom situation by including it in the next budget bill.

Secretary Bazzell responded that this is one of those issues where the Department needs to continue to work with the clubs. He asked that Karl Brooks, Snowmobile/ATV Administrator, who oversees this program, to work on this issue. At a separate meeting the Department will be bringing to the Board a package of legislative proposals. This is a non-fiscal item and does not require Board action today.

Ms. Stepp asked what the concern was with the club, if it were more accidents with young people or if they were trying to train tomorrow's riders. And, how many sessions or how long is this classroom course.

Mr. Makowski responded they would like to train every snowmobilers on safety, however, right now their concern for the future of snowmobiling riders need to understand the safety issue. The accidents that happen on the trail from various causes and if the youth of Wisconsin could be educated on safety, he stated that he feels everyone needs to know about snowmobile safety. The class is a minimum of eight hour class, basically some clubs break it up into two or three sessions. Effective last year, the outdoor performance of the test was removed from the requirement. As a DNR safety instructor to teach them in a classroom is good but when he signs the certificate at the end of the class and he believes this person can operate a snowmobile safely. He stated that they could be good in the classroom and terrible on snowmobiles. Some of the clubs have incorporated the outdoor portion into the class.

3.C.3. **Todd Watermolan**, Milwaukee, representing Onyx Waste Services, Incorporated, spoke in regard to solid waste bureau budget issue concerns. Mr. Watermolan stated that they see the level of services compared to costs and they worked very well with the Department of Natural Resources Solid Waste Bureau. A lot of what they see is the increase and trying to balance the budget, potential tax increases or fees that may be imposed upon their industry. They are concerned about that and they think they need to maintain experienced staff that the Solid Waste Department has right now. Looking to the future they see that level of staff decreasing gradually and them as an industry to take on more of that responsibility. One of the initiatives that the Solid Waste Bureau looked at was the Environmental Management System Program. Mr. Watermolan reinforced that if this program gets rolled out, they see themselves as taking on more responsibility. He stated that they understand the need for staff and the need for this program but he thinks they also need to understand the increased sufficiency and that EMS is a good start. He stated they were excited of the direction that the Solid Waste Bureau is headed and he encouraged the staff to move forward as quickly as possible. He pledged his personal commitment to continue to partner with bureau staff.

3.C.4. **Peter Peshek**, Madison, representing Onyx Waste Services, Incorporated, spoke in regard to what the Board is approving is only a small portion of the real budget. He stated this is a much more dynamic process. The legislature last year took away EAPR Funding for five positions and transferred that back to the Solid Waste Bureau, so now there are 34 ½ positions that industry is paying for and is a tax increase. What industry is excited about is that Department staff is saying they recognize that they have to look for other ways to manage costs and manage things they put on the Department in order to abide this political process that they are into. As part of the EMS process industry is going to revisit some of those issues and hopefully out of that will be a cost savings, which is part of the budget process. Mr. Peshek reflected on what happened later in the 1990's and the accountability and where these monies were being spent.

The motion was carried unanimously by those members present.

3.D. **INFORMATIONAL ITEM - Chronic Wasting Disease Research Plan and Update.**

Gerald Bartelt, Chief, Wildlife and Forestry Research Section, presented the Chronic Wasting Disease (CWD) Research Plan for Wisconsin. With a powerpoint presentation, Mr. Bartelt stated that representatives from the University of Wisconsin (Madison and Stevens Point), the National Wildlife Health Lab and Wisconsin

Cooperative Wildlife Research Unit, Health and Family Services, Agriculture, Trade, and Consumer Protection, Wildlife Services (USDA), and Wisconsin Department of Natural Resources.

Mr. Bartelt stated that the goals are:

- Provide the science base and information needed to manage chronic wasting disease in Wisconsin.
- Use an adaptive management approach to evaluate the effectiveness and success of the chronic wasting disease management program and provide new scientific information upon which to base future decisions. Adaptive management will use modeling, monitoring, and collecting new information.

He further stated that methods used to identify information needed for management of chronic wasting disease:

- Assembled and reviewed all available literature and contacted CWD experts across the country.
- Developed conceptual model to organize the types of information needed to manage CWD: disease ecology, deer ecology, and human ecology.
- Developed a special model of disease, deer, and hunter dynamics to predict the possible spread of CWD, predict potential outcomes from different CWD management strategies, and identify information that are weak or missing.

Discussion pursued regarding: preserving our culture of deer management, risks, research, who does the research for the Bureau of Integrated Science Services in partnership, answers to the basic questions, human health risk, and budget for the Department.

Secretary Bazzell stated that he met in Washington this past week with the Governor and with the Secretary of Health and Family Services, and the Secretary of Agriculture. Human health was part of the message they had for USDA, to our congressional delegation, that this is the area that they can add value.

Mr. Bartelt continued with criteria used to rank information that was weak or missing to establish priorities:

- Was critical for managing CWD in Wisconsin.
- Must it be addressed immediately in conjunction with the CWD management program, is research already addressing issue elsewhere.

He stated that the three major research studies and a monitoring program, and collaborative efforts. Together they will be used to evaluate the effectiveness of our CWD management program in Wisconsin, refine models that will be used to guide future management, and collect information needed to help us understand this disease.

- A radio-telemetry research study on the population dynamics, movements, and social behavior of deer to evaluate the effectiveness of the CWD management program and collect information to understand the relationship between deer population dynamics, movements, and behavior, and CWD. This study will begin in the Eradication Zone (population goal zero deer/mi²) and in a control area outside the CWD Management Zone (population goal of 15-30 deer/mi²) as funding permits. This study will likely continue throughout the eradication and CWD management programs and beyond to measure deer re-population success, once the disease is eradicated. Approximately 120 deer will be captured with box traps and rocket nets and fitted with radio-telemetry collars in each study area. Yearling bucks and doe-fawn pairs will be targeted for radio-marking – the yearling bucks to estimate dispersal distances and the doe-fawn pairs to estimate disease transmission by social contact. Any additional deer captured will be marked with numbered metal ear tags.
- A disease dynamics study. This research will be conducted in the CWD Eradication Zone and will be closely tied to the Wisconsin Department of Natural Resources management program. Objectives of the disease research are to: 1) determine the distribution of CWD in the Eradication Zone, 2) determine the age/sex/clinical relationship of deer to prevalence of disease, 3) determine the vulnerability of CWD infected deer to harvest, 4) evaluate how CWD is transmitted within the among social groups of white-tail deer and 5) evaluate potential genetic resistance of white-tailed deer to CWD. Data collected on deer removed from the Eradication Zone will be used to evaluate each of the research objectives. The basis of this research is to utilize deer killed as part of the eradication program to increase our knowledge about chronic wasting disease.

- A human dimensions study to investigate perceptions of human risk factors, attitudes of hunters, landowners, and the public to maintain support for managing the disease, economic effects (including impacts on car-deer collisions and crop damage) from CWD. Such information is needed to design effective marketing programs to promote public participation in the CWD management program. This study will be conducted in all three zones (Eradication Zone, CWD Management Zone, and the rest of the state). A combination of focus groups, surveys, and telephone interviews may be used to collect this information. The study will begin this fall and continue for several years.

Deer population size monitoring to determine the success of the deer reduction and eradication programs and plan for CWD management efforts in subsequent years. Changes in deer herd size will be monitored across the state in each Deer Management Unit using the Sex-Age-Kill population model as usual. Estimating deer populations in the Eradication and CWD Management Zones will require a combination of helicopter and fixed wing aircraft surveys (including an air ground correction factor) and population modeling.

Collaborative efforts include studies on diagnostic, human health, and other issues were also recommended but suggest collaboration with other states and agencies rather than undertaking the research directly in Wisconsin.

Mr. Bartelt stated that these efforts would be:

- Human health monitoring to look for possible links between CWD and deaths from CJD. Surveillance of death certificates of persons dying of CJD will be marked for further investigation. Medical chart reviews for possible CJD cases identified through the death certificate surveillance will be conducted as well as further biological tests if tissue samples exist. Human health monitoring will continue indefinitely.
- Ecological impact of deer on ecosystems. In recent years fall deer populations have been over 1.5 million animals in Wisconsin. There has been concern that deer at such high numbers are having a negative effect on the ecology of natural ecosystems. Since plans are to eradicate deer from one area, reduce them to a 10 deer/mile² in a second area, and allow them to remain the same in the rest of the state (15-35 deer/mile²), we have an opportunity never before possible to understand the impacts of different deer densities on ecosystems. Changes in tree species regeneration, understory plants, nutrient cycling, small mammal populations, herptiles, birds, and predators will be collected.

Discussion pursued regarding attempt to determine CWD's persuasiveness, how long it really has been around in the state, and looking at different strains of CWD.

Tom Hauge, Director, Bureau of Wildlife Management, with a powerpoint presentation, stated that he personally wanted to say that he feels they have an obligation in this state to learn everything they can about this disease with this situation that has presented itself to us. We owe it to the resource, we certainly owe it to the landowners and the people who are in the eradication zone whose lives have been changed as a result of this disease, and we owe it to the rest of the country to add to the information base and to learn everything we can. Mr. Hauge presented the Board with a packet of materials which included: a bumper sticker stating "Fight CWD by continuing to Hunt Deer 1/800-274-5471"; a booklet entitled "Understanding Chronic Wasting Disease in Wisconsin"; a listing of cities and collection stations in the State of Wisconsin; informational materials on "Wisconsin Meat Facts and Analysis"; a letter dated September 2002 from Secretary Bazzell, Department of Natural Resources, and Secretary Dube, Department of Health and Family Services, regarding disposal and land filling of deer carcasses; and an informational packet entitled "An Analysis of Risks Associated with the Disposal of Deer from Wisconsin in Municipal Solid Waste Landfills".

He continued with the current situation, showing a map of the eradication zone. There are 31 positive animals now from approximately 1200 deer that have been removed from this area. They do not yet have the test results from the August or September removals. Approximately, 2000 deer have come off the landscape at this time.

Special CWD summer culls statistical are 1498 deer taken, 2/3 taken by landowners, roughly 1/3 by the Department of Natural Resources. Of these 1,379 were disposed of and 125 were kept by the hunters.

Mr. Hauge continued with landowner permit extension stating:

- Summer permits no longer are valid
- No license requirement, but hunter safety certification is necessary
- Tags are transferable to a designated proxy
- Issuance will begin October 1
- Tags effective as of October 24

Public Outreach Efforts Include:

- DNR authored publications
- Series of listening sessions
- Statewide speaking engagements
- Work with partner groups – Whitetails Unlimited and QDMA

Discussion pursued regarding money spent for outreach; the University Extension helping out; understanding the importance of this issue in the State of Wisconsin; how important deer are to our life style in the State of Wisconsin; CWD threatening our quality of life in Wisconsin; sending out information to folks with hunting licenses and those that do not hunt anymore; game farms; media getting the message out; loss of money because of less deer hunting not only from licenses; food safety; questions hunters have and getting answers; protecting the deer herd in Wisconsin; encouragement to hunt; listening sessions; and focus groups.

Mr. Hauge continued with his presentation with Statewide Listening Sessions:

- Five forum discussions
 - September 25, Waukesha
 - September 30, Ashland
 - October 2, Wausau
 - October 3, Eau Claire
 - October 4, Green Bay
- Other meetings
 - September 30, LaCrosse (QDMA)

License Sales:

- 30% of gun deer sales occur during the week before opening weekend
- Only 55-67% of bow hunters buy their licenses prior to opening weekend
- Current sales are averaging better than 7,000 licenses per day

Collaborative Effort:

- Bumper stickers
- Billboards
- Radio spots

Carcass Disposal:

- Continuation of MCS contract for eradication zone deer
- Land filling is the preferred option
- Risk assessment now available

- Receiving bids for transport and storage system

Discussion pursued regarding prions in the soils, putting deer in landfills, safe disposal of carcasses, cost of cremation versus landfill disposal, private and municipal landfills, knowing the presence and absence of CWD in the State of Wisconsin.

Showing a map of Wisconsin, Mr. Hauge displayed the collection and sampling sites with details being finalized and shifts being filled. Collection sites will be open from 10:00 a.m. to 8:00 p.m. and processing centers from 7:00 a.m. to 11:00 p.m.

Discussion pursued regarding the eradication area and testing in that area, saving money ideas, age of susceptibility of deer, genetics, the disease in different deer populations, fawn testing of CWD, and research.

Mr. Hauge continued on with Fall Testing Plans:

- Intensive harvest zone – test every deer harvested which would be 10-15,000 samples
- Management zone – test 500 plus deer per DMU, 7,000 samples
- Rest of state – test 500 deer per county
 - Logistics – 200 plus sampling stations, 5 processing centers, time and personnel
 - Sampling period – bow season (IHZ zone), T-zone (October 24-27), gun season (November 23-24)

Discussion pursued regarding Vilas and Grant County sampling sites, and traveling for hunters to test deer registration stations.

Mr. Hauge continued on with Fall 2002 CWD Surveillance Plans:

- Statewide: statistically significant sampling to determine presence and prevalence of CWD elsewhere in the state. Sampling goes from collection station, to the processing center, and then to the testing facility. Showing pictures of the process Mr. Hauge explained each.

Discussion pursued regarding saws for butchering and contamination, hygiene and personal safety protocols, and basic meat safety protocols.

Mr. Hauge continued with CWD Volunteer Recruitment:

- 800-1,000 persons needed for fall testing
- 965 Department staff have volunteered
- Recruitment through external partner groups
 - approximately 700 conservation clubs and sporting organizations
 - all Conservation Congress Delegates
 - Wisconsin colleges and universities
 - USFWS
 - USDA
 - USES
 - DATCP
 - DHFS
 - USGS
- Need for more workers still exists (they have gone out again soliciting)

Reporting System Options:

- Post cards sent to hunters – once results are in
- Web listing – regular updating of county results

Mr. Hauge presented a map of the counties where CWD has been found in deer farms. Deer farms are the next step, to have health monitoring and surveillance. And, to have continued investigation and tracing.

Mr. Behnke asked a question regarding legislation the supervision and inspection of private deer farms was transferred from DNR to DATCP, does the law provide for any restrictions that DATCP cannot do certain types of inspections such as perhaps the DNR was authorized and permitted to do prior to this legislation. After several different answers from Attorney Tim Andryk and Mr. Hauge, Mr. Behnke withdrew the question because he didn't receive the answer he was looking for.

Mr. Hauge stated that the industry trade industry has indicated that they really encourage all of their members, the monitoring program, the agriculture program, and be as cooperative as they can.

Chairman Solberg stated that the Department can advertise what is happening with CWD. He requested that the Department do a Tom Hauge weekly CWD update and get the Milwaukee Journal Sentinel, Green Bay Press Gazette, Wisconsin State Journal, and less major papers to print these reports.

Mr. Poulson responded, we can sit around here and be critical from time to time, but the situation with the animal at Portage and where it moved from we found out because it was tested. That says that the system is working. Some things work because we are testing and it is working and he feels better about that.

Discussion pursued regarding deer farms, required testing animals on deer farms, moving these animals, and these animals being sold.

No action was taken on this informational item.

3.E. **INFORMATIONAL ITEM – Northern Initiatives Strategic Guide Update.**

Bill Smith, Northern Regional Director, and **Dave Daniels**, Project Manager, presented the Northern Initiatives strategic guide update. Mr. Smith gave a brief background of the project. In 1993, an extensively public process of input took place, which resulted in a strategic guide that was actually was written by the public in the public's word. This guide was approved by the Board in 1996 and it gave them strategic direction in the north for the next ten years. They are presently in the later stages of implementing the directions of this Northern Initiative Guide. With the Board approval, the Board directed the staff to come back on an annual basis typically when they are in the north for their meeting and to give a report on the progress and to seek Board advice. There have been several long standing teams dealing with specific issues on the Northern Initiatives, if the Board recalls at last years briefing staff highlighted a few issues that they added to that list, which were developing issues in the north. One was on land use, and in the past year staff has put an extensive effort into technical support of local land use planning. This is land use planning within the authority of local government and within their role is strictly one of technical support and assistance. They have also done land use planning on their own properties and are in the mist of extensive master planning on two of the state forests in the north, the Brule and the Northern Highland American Legion.

Mr. Willett asked when staff anticipates that being completed. **Mr. Smith** responded that staff should be before the Board with the Brule plan in December, they extended the public comment period an additional 45 days. **Mr. Willett** asked if that required the Governor's signature. **Mr. Smith** responded no, not on the master plan. He stated that he expected the Northern Highland plan to come in later spring or the summer of 2003.

Mr. Smith continued, also public access was identified as a key issue and some of the activities this year were focused on long term management, credit belonging to the Division of Forestry and the Forest Legacy Project. It answers one of the long standing questions the public has had with the long term management of those industrial forest lands to find innovative ways not only productivity on the lands but also access to the public for outdoor recreation. They see this as an outstanding project and one that is very much in line with the public desires expressed in the Northern Initiatives.

Mr. Willett asked if the Northern Highlands would come to the Board in January. **Secretary Bazzell** responded, that he was in the Northern Highlands about a month or so ago and had a good detailed briefing. He stated that his sense was that there are a fair number of issues that they still need to sort out with the public and it will probably take a few more months before they get to that point. He stated that he thought it would serve them better than to release this prematurely. **Mr. Willett** stated that there is a possibility that they won't be able to vote on this prior to leaving the Board. **Mr. Tiefenthaler** agreed. **Mr. Smith** stated that what they were forced to do was to run the two plans on a parallel basis and they are short of staff planning so they transferred some effort from the Northern Highland to the Brule to expedite that and get it done. They are closer to a final plan on the Brule and as soon as they finish the Brule and get approval, they will be able to focus a hundred percent on the Northern Highland but it has been difficult trying to run both plans at the same time. They both have a lot of controversial issues and a lot of public issues and it has stretched out the planning process.

With a powerpoint presentation, **Mr. Daniels** continued, referring to the project teams related to development issues, recreation, education, and Northern Alliance (teams of water and land working with members of the public across the north with issues related of interest to them). In the northern economy teams they have been working, as in the past years, with partners at the local level, tourism and recreation in particular. Talking about themes of clean environment and diverse natural resources of the north, they have also been working with a pilot project out of the Antigo Service Center where they have been discussing keying in their resources of information on education and staff expertise along with the local tourism, recreation, and chamber of commerce to see how that works as a partnership at the local level. They feel they are going to have good success there and as a pilot project they would be able to expand their service centers across the region.

In relation to northern recreation in the past year, the Board has heard updates at prior meetings regarding Year of the Trails. It has been successful in the north, the Highlight Trails, particularly at the local level. There is a lot of work going on in the communities they are proud of. In terms of the Department, there is a lot of work going on in cooperative trail ventures, a lot to do with rail abandonment going on in the north right now. They continue on with their recreation in working with ongoing links with local governments, to help foster these discussions.

Mr. Willett asked where the law suit lies that determined that the rail beds belong to the federal government and were not transferable. **Mr. Daniels** stated that he did not know. **Mr. Willett** stated that it would be interesting to find out.

Mr. Daniels continued, briefly in relation to the Northern Alliance in specific waters, a great deal of organization and work is going on in the north in relation to shore land restoration projects. He stated that most of the counties in the northern region have dozens of projects going on with Department cooperation, cost sharing grants, with numerous other agencies involved. They have conducted a shore land workshop in Oneida County. When asked local governments provide assistance on shore land zoning ordinance updates and on an invitation basis they sit in to provide technical assistance. Ongoing updates were provided to the Board with regard to the northern rivers initiative which is ongoing. Presently they are providing the bulk of information and materials to local zoning committees and county boards so they have the best information available on rivers in their community to be making decisions.

Discussion pursued regarding advice that is being given to local governments being inconsistent, staff needing to get current on the NR 118, identifying wild lakes prior to being available.

Regarding alliance and land projects which are bringing difference groups of people together to talk about these pieces of land Mr. Daniels expanded on the following:

- Forest Master Plan
- Smart Growth/Land Use Planning
- Forest Legacy
- Northern Education
- Focus on School Forests
- Develop Regional Education Team

Mr. Smith thanked the Board for their continued support of the Northern Initiative Projects that were started so many years ago. He referred to several items on the present agenda that link closely to the Northern Initiative.

No action was taken on this informational item.

3.F. **INFORMATIONAL ITEM – Setting Rules to Limit Mercury Air Emissions to Reduce Atmospheric Deposition in Wisconsin Waters Update.**

Jon Heinrich, Industrial Process Focus Systems Manager, Bureau of Air Management, presented informational item on Setting Rules to Limit Mercury Air Emissions to Reduce Atmospheric Deposition in Wisconsin Waters Update. Mr. Heinrich reviewed the public hearings, informational meetings, and mailings they received. With a powerpoint presentation, Mr. Heinrich stated that the Citizen Advisory Committee had finished their hearing and provided the Board with a copy of their report entitled “Review of Wisconsin Proposed Atmospheric Mercury Regulation.” He discussed these meetings and viewpoints.

Mr. Behnke questioned, when you say that you will sit down again and look at the final rule he asked if they were talking about the same advisory committee that will be meeting to do this.

Discussion pursued regarding possibility of public hearing if there are substantial changes to the final rule.

Mr. Heinen reflected on the issues that were identified in public comment and the issues that the citizens group dealt with, are by and large the issues that the technical advisory group have been spending their time on are:

- Determining reduction starting point
- Interaction between our state regulation and federal action that might occur
- Reliability – timing and the content of periodic evaluations
- Industry
- Addressing growth
- Schedule and amount of reduction of mercury of facilities in the state
- Trading provisions
- Effect of mercury reductions

Mr. Heinen then spoke of the studies being done, the Loon Study by Dr. Michael Meyer, and the Little Rock Lake Study by Carl Watras. He stated that it is two or three years away of when they will think they will know what controls are available. There is a lot of work going on now in the federal level to push the technology. Finally, in two or three years they will find out what kind of mix people will want to use to address multi-pollutant reductions. After that evaluation, installation will need to be considered. The installation should not cause a liability problem. Finally, Mr. Heinen stated that some type of compliance margin needs to be considered because of plant impacts and liability of equipment operations.

Discussion pursued regarding multi-pollutants, Pleasant Prairie full scale testing, WE Energies applying for federal money, Quick Silver Caucus, President Bush's proposal, modeling examples, technology and staff looking at multi-alternatives, and percentages of reductions.

No action was taken on this informational item.

3.G. **Retirement Resolutions.**

- 3.G.1. Richard Cornelius.
- 3.G.2. Gordon Dahl
- 3.G.3. Douglas Erickson.
- 3.G.4. Charles Eveland.
- 3.G.5. Doug Knauer.
- 3.G.6. Linda Koenig.
- 3.G.7. Richard Rehm.
- 3.G.8. Stanley Schneider.

Secretary Darrell Bazzell read the names of each retiree and commended them for their excellent years of service to the Department and to the State of Wisconsin.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approval of the retirement resolutions, as presented. The motion was carried unanimously by those members present.

4. **Board Members' Matters.**

- 4.1. **Herb Behnke** – Presented a Board Resolution on Chronic Wasting Disease to promote the hunting of deer this fall making it beneficial for the Board to indicate the need for people to go out and hunt. The Resolution reads as follows:

NATURAL RESOURCES BOARD RESOLUTION – 25 September, 2002

MEETING AT GRANTSBURG, WISCONSIN

The white-tailed deer is Wisconsin's number one wildlife species for both hunting and non-hunting citizens. The discovery of Chronic Wasting Disease (CWD) in Wisconsin not only threatens our time honored deer hunting tradition, but also puts at risk viewing and enjoyment opportunities for hundreds of thousands of residents and tourists. CWD is caused by a mis-shapen prion and is invariably fatal in deer. The best available science indicates that if left unchecked, CWD will cause a serious long-term population decline in our deer herd. Department biologists recommend aggressive and immediate local elimination of deer in the Intensive Harvest Zone combined with substantial density reduction in the surrounding area (the CWD Management Zone) as our best chance to eradicate CWD from Wisconsin. The citizens of Wisconsin are depending on traditional conservationists (hunters) to take the lead in conserving one of our greatest natural resources. Hunter participation is essential to the CWD eradication effort.

Whereas, the white-tailed deer is Wisconsin's most popular wildlife species to all citizens, and

Whereas, deer hunting, a deeply held family oriented tradition in Wisconsin, is threatened by CWD, and

Whereas, hunters are the backbone of conservation through activism, biological management, and financial support, and

Whereas, the health of Wisconsin's white-tailed deer herd is important to hunting, wildlife viewing, tourism, and many industries in Wisconsin, and

Whereas, the eradication of CWD in Wisconsin will be yet another example of the state's position as a conservation leader,

Therefore, be it resolved that the Wisconsin Department of Natural Resources Board on 25 September, 2002 requests that all hunters statewide join us in fighting to eradicate CWD by hunting deer this year and in years to come. We empathize with the hardships faced by hunters and citizens in the Intensive Harvest Zone and we urge them to be particularly aggressive in eradicating CWD as soon as possible to facilitate the rebuilding of a healthy deer herd throughout the state.

Trygve Solberg – Chairman

(Date)

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, adoption of the Board Resolution requesting all deer hunters statewide to join in fighting to eradicate Chronic Wasting Disease by hunting deer this year and in years to come.

Secretary Bazzell asked if there was any particular distribution the Board wanted the Department to take.

Mr. Behnke requested that they have as much media publication wherever. He stated that they should really put the spotlight on this that it is an appeal by the Board for hunters to get out and hunt. The Board recognizes the serious of the situation and the need to reduce the deer herd.

The motion was carried unanimously by all those present.

4.2. **Catherine Stepp** – Nothing.

4.3. **Gerald O'Brien** – Nothing.

4.4. **Stephen Willett** – Nothing.

4.5. **Howard Poulson** – Nothing.

4.6. **James Tiefenthaler** – Nothing.

4.7. **Chairman Solberg** – Requested to have a report to the newspapers weekly. Suggested a Tom Hauge Weekly Report, an update on Chronic Wasting Disease.

5. **Special Committees' Reports**.

There were no Special Committees' Reports this month.

6. **Operating Committees**.

6.A. **Air, Waste and Water/Enforcement Committee**.

6.A.1. **Minutes of August 14, 2002**.

Mr. Poulson MOVED, seconded by Mr. Tiefenthaler, approval of the minutes of August 14, 2002, as presented. The motion was carried unanimously by those members present.

6.A.2. **INFORMATIONAL ITEM – Waste Management Environmental Management System Pilot on Future Policy**.

Suzanne Bangert, Director, Bureau of Waste Management, and **Michael Degen**, Supervisor of Waste Management, presented, the informational item on Waste Management Environmental Management System Pilot on Future policy. The Waste Management Program applied the Environment Management System (EMS) principles and processes to its policy development work from August 2000 to June 2002. This pilot project is one of six within the agency and is unique in that it is the only one to focus on policy development, rather than operations. Consistent with EMS, the central point of focus was the question, "Where should we spend our resources to affect the greatest environmental gains?" Extensive stakeholder involvement was a cornerstone throughout the course of the work.

Engaging stakeholders as partners in designing the process and then developing the end product was essential to establishing common expectations and a shared vision of how Wisconsin should best move forward. A key first step was creating a shared foundation – common principles – for how the Waste Program and its stakeholders would work together to achieve effective waste and materials management.

Working from that shared foundation, the vision of “Moving Toward Zero Waste” became the focal point for policy development through 2008. Four priority goals were identified to focus work activity that would create the greatest environmental gain: 1) minimize and prevent waste, 2) minimize the potential for environmental impacts of landfills, 3) eliminate backyard burning and dumping, and 4) develop effective education programs to support the previous goal areas.

Significant gains in the future will require focused and difficult policy decisions in order to help us reach well beyond the current levels of waste management. This project sets the expectation for stakeholder involvement, as well as the commitment to shared principles, for creating and implementing innovative waste and materials management policies in Wisconsin. It was recommended that the Board support pursuing the vision and goals for the Waste Program policy.

Mr. O'Brien commented, I like your ideas and I like the moving ahead. Right now to say implement activities for the goals, I think we should get some more input on how we are going to do this. I encourage you to go ahead and keep the Board up to date.

Mr. Degen stated they would be glad to give periodic updates.

Chairman Solberg stated that they had all been briefed on this item and it is the direction to move toward zero waste, each step, each level.

Mr. Poulson commented that as he looked at this he thought the committee had a little bit of rural aspect to this, they do have recycling going on throughout the state, it is broader than just Madison. He felt they needed to look at Wisconsin as a whole on recycling and look at how we get everyone in on this.

Mr. Degen responded that certainly they take that into consideration, what happens in Milwaukee is not the same as to what happens in Spooner or Grantsburg.

No action was taken on this informational item.

- 6.A.3. Authorization for hearing on repeal and recreation of Chapter NR 191, Wis. Adm. Code, pertaining to lake protection and classification grants.

Carroll Schaal, Lake Planner, Division of Air and Waste Management, was scheduled to present the authorization for hearing on repeal and recreation pertaining to lake protection and classification grants. Since all Board Members were previously briefed Mr. Schaal did not give his presentation.

Mr. Willett MOVED, seconded by Mr. Tiefenthaler authorization for hearing on revision of Chapter NR 191, Wis. Adm. Code, pertaining to lake protection and classification grants. The motion was carried unanimously by those members.

- 6.B. Land, Management Recreation and Fisheries/Wildlife Committee.
6.B.1. Minutes of August 14, 2002.

Mr. O'Brien MOVED, seconded by Mr. Tiefenthaler, approval of the minutes of August 14, 2002, as presented. The motion was carried unanimously by those members present.

- 6.B.2. **INFORMATIONAL ITEM – Update on the development of directives and programs preserving hunting, fishing, and the trapping heritage in Wisconsin.**

Tim Andryk, Attorney, Bureau of Legal Services, and **Keith Warnke**, Upland Wildlife Outdoor Heritage Specialist, Bureau of Wildlife Management, presented the informational item on the Update on the development of directives and programs preserving hunting, fishing, and the trapping heritage in Wisconsin. Upon the appointment of Secretary Bazzell, this proposed work plan was developed as a result of his directive to enhance the effort to preserve the hunting, fishing, and trapping heritage in Wisconsin. The Future of Hunting, Fishing, and Trapping 2020 Report (NRB approved December 1998) identified key issues and recommended several strategies to preserve this aspect of Wisconsin culture.

Secretary Bazzell reemphasized the importance of this issue by appointing Implementation and Oversight Teams to address it. The Implementation Team has quantified accomplishments in new and continuing strategies recommended in the 1998 report. A goal, long and short term objectives focusing on public tolerance, hunter and angler recruitment and retention, and providing long term fiscal stability are identified in the work plan. Structure and cost estimates have been developed for several actions aimed at achieving that goal.

The accomplishments toward maintaining our hunting, fishing, and trapping heritage have been tremendous. The work plan identifies key actions and recommends implementation through increased agency commitment of time and resources. They recommend developing and testing strategies specifically designed for retention and recruitment, and building and expanding partnerships. Success in this effort is dependent upon many factors that require coordination and strong partnering with industry and customers. Potential controversy exists with animal rights groups and anti-hunting organizations may oppose this effort.

The timeline proposed in the work plan may be delayed if comprehensive budget reallocations are needed to combat Chronic Wasting Disease (CWD) in deer. CWD containment and control is critical to ensure a vibrant future for deer hunting in Wisconsin and is a high priority for the future of hunting, fishing, and trapping effort.

The objective is primarily to take input from the Board today's meeting. A table was viewed by the Board to show how much was accomplished since 1993 when this was made a Department priority. Hundreds of thousands of publications were distributed, they enrolled hundreds of thousands of acres in land management programs that allow public access, they have had 94,000 programs that allow public access. To purchase land they have had 94,000 people graduate from the hunter safety courses, 24,000 people graduated from angler education courses, and they have developed thousands of partners that continues to grow and expand with the Department.

Today's hunters, anglers, and trappers are a lot different than they were 20, 30, 40 years ago. There is a problem because the number of hunters, anglers, and trappers is dwindling in the age groups of the younger folks. Most loyal customers are in the age group between 25 to 55 year old folks. A slide of where the age distribution within age groups for 2000 of license purchasers in the year 2000 was shown. The Implementation Team did a great deal of work and had taken in a great deal of information from a variety of other teams that exist within the agency and also included partner groups in the agency.

They have been working on a five prong approach to working on the future of hunting, fishing, and trapping in Wisconsin. 1) An agency wide maintenance of the high priority they know place on this. 2) Awareness and tolerance of hunting, fishing, and trapping through outreach and education are very important and this is what is driving the acceptance and the ability of people to hunt, fish, and trap in Wisconsin. 3) They need to provide ample opportunity in a forum for those who wish to get started through education and opportunities. 4) They believe they need to refocus and reemphasize on maintaining the current hunters, anglers, and trappers. 5) They need to build and maintain support for continuing land acquisition for hunting, angling, and trapping in Wisconsin. Short term and long term objectives were identified.

Three key priorities are establish objectives and a tracking and evaluation protocol; develop and market an effective outreach program to maintain and increase public tolerance; and identify barriers to participation and design and implement new recruitment strategies. Their goal is to preserve and proactively promote the hunting, fishing, and trapping heritage is attainable so long as resources are available and pass it along the conservation heritage to future generations.

Chairman Solberg stated that it is a marketing strategy and the experience of being out there within our state.

Secretary Bazzell thanked Attorney Andryk and Mr. Warnke for chairing this effort. This effort not only involved Department staff but also had a number of external people on the team that participated in several of these meetings. He stated they have a great deal of people who are ready to charge ahead and certainly with the discussion they had on CWD this morning, gives them even more reason to work on the positive strategies to make sure we preserve this heritage.

Mr. Tiefenthaler encouraged the Department to investigate hunter education classes for a fee because the demand is so great and the supply is not. This is a key issue, knowing there are people that want to get into a class and would be happy to pay.

No action was taken on this informational item.

6.B.3. **INFORMATIONAL ITEM – Briefing on Great Lakes fisheries.**

William Horns, Great Lakes Specialist, Division of Land Management Recreation and Fisheries/Wildlife, presented informational item on the Briefing on Great Lakes fisheries.

Chairman Solberg asked if anyone from the commercial fishermen industry were present. No one heard from any of the commercial fishermen.

Mr. Horns stated that in October of 1998 the Natural Resources Board asked for an annual review of harvest limits for all commercial fish species in the Wisconsin waters of Lake Michigan and Lake Superior. Reviews were presented to the Board in September of 1999 and December of 2000, but none were presented in 2001. Mr. Horns highlighted other Great Lakes fisheries issues in addition to reviewing commercial fishing harvest limits. He spoke of the lake trout from Lake Superior, the lake Whitefish from Lake Michigan, the Yellow Perch from Lake Michigan, Bloater Chubs from Lake Michigan, Rainbow Smelt from Lake Michigan and Green Bay, Menominee (Round Whitefish), Rough and Detrimental Fish, and White Perch. (He stated that details could be found in the green sheet packet). Mr. Horns presented an overhead showing of commercial harvest limits for Lake Michigan and Green Bay from 1982 to 2002 with all harvest limits expressed in pounds.

Questions and discussion pursued regarding trap nets being a problem when there are small boats, there is a concern of accidents of hanging up the trolling gear in the nets. The concerns are the sport fishing sport clubs are mixed.

No action was taken on this informational item.

6.B.4. **Approval of revised Stewardship 2000 Expenditure Plan for FY 2003.**

Dick Steffes, Real Estate Director, Division of Land, was scheduled to present approval of revised Stewardship 2000 Expenditure Plan for FY 2003. Mr. Willett stated that since they are going to spend money in different ways anyway he so MOVED for approval and they will adjust it as they go along.

Mr. Willett MOVED, seconded by Mr. Tiefenthaler approval of the approval of revised Stewardship 2000 Expenditure Plan for FY 2003.

Citizen participation on this issue included:

- 6.B.4.1. **Colette Matthews**, Tomahawk, representing Wisconsin County Forests Association (WCFA). Ms. Matthews stated that she is the Executive Secretary for the Wisconsin County Forests Association headquartered in Tomahawk. Their association represents 29 counties, with a combined public forest of more than 2.34 million acres. Their land base and the recently revised Stewardship regulations, including nature-based recreation, should be a natural fit, but that does not seem to be the case. The County Forest Program is a Wisconsin success story. Land considered worthless not too many years ago is now highly valued for multiple uses. Counties are able to retain and manage their public forests, and contribute to their county's general fund, by harvesting timber in a sustainable manner. The WCFA would like to see all lands purchased with Stewardship dollars follow their counties example. A forest management plan, to include sustainable timber harvesting, should be a part of any

land purchase grant application. Visitors to public forest lands, for whatever reason including nature-based recreation, should expect to see signs of active forest management. The two are not incompatible. Counties accommodate both visitors and forest management activities. Potential problems are addressed on an individual basis. Ms. Matthews encouraged the Board to review the county forest program in detail. She stated that it is a perfect program for Stewardship dollars.

- 6.B.4.2. **Mark Heil**, Neillsville, representing Wisconsin County Forests Association. Mr. Heil stated that he has been the Clark County Forest Parks Administrator for the past 14 years and is presently serving as the President of the Wisconsin County Forests Association. On behalf of the membership of the Clark County Forests Association he reviewed comments of the association. In general, WCFA membership does support the fiscal year 2003 expenditure plan as presented. Specifically, they strongly support that section of the proposal that provides for the statutory maximum allocation toward property development and local assistance. The Department of Natural Resources property development, funded at the level of \$6,750,000 is recognized as essential to facilitate necessary and long overdue improvement and development of state lands to meet the demand of the recreating public. In conclusion, Mr. Heil stated that WCFA membership would support any efforts directed at improvement and development of the basic infrastructure of public lands across the State of Wisconsin. And, Wisconsin County Forests, as a whole, will continue to embrace opportunities to partner with the state in an effort to meet the needs of the recreating public.

Mr. Behnke stated that he thinks the legislature has addressed the issue with a committee that discussed the development versus the acquisition. It isn't that it hasn't been considered by the legislature when they adopted the stewardship plan for the next ten year period.

The motion was carried unanimously by those members present.

- 6.B.5. Approval of Straight River Wildlife Area and Straight Lake Wilderness State Park Feasibility Study and Project Establishment.

Dick Steffes, Real Estate Director, Division of Land, and **Bruce Moss**, Regional Land Leader, presented the approval of revised Stewardship 2000 Expenditure Plan for FY 2003. The Department has developed a Feasibility Study and Environmental Analysis for the Straight River Wildlife Area and Straight Lake Wilderness State Park. The item is being submitted to establish a new project. The lands proposed for this new project are all under one ownership. The proposed project would protect a wild lake complex including Straight Lake, the Straight River and rare plant communities on the property. Additionally, part of the property would be managed for a variety of game and non-game wildlife species. A portion of the property would be dedicated as state Ice Age Trail area and another part of the property would be dedicated as a State Natural Area. It was recommended that the Board accept the study and establish a new project for the Straight River Wildlife Area and Straight Lake Wilderness State Park with an acreage goal of 2,779 acres.

Citizen participation on this item included:

- 6.B.5.1. **Herb Lundberg**, Luck Township, representing himself as an adjacent landowner. Mr. Lundberg stated that he is in favor of the Brunkow acquisition. Mr. Lundberg read an e-mail message to Cora Dversdall, Chair of the Local Indianhead Ice Age Trail Chapter from a gentleman that was originally from Grantsburg but now living in Milwaukee. He read the e-mail in its entirety. The e-mail reflected on his past history with Grantsburg and his future plans to move back to that area after retirement. He further reflected upon the hours of volunteer work he and his wife donated to the Ice Age Trail. He also spoke of acreage near Frederic near the Brunkow property and is interested in developing ruffed grouse habitat and in fishing trout in the upper reaches of the Trade River. He stated that the Ice Age Trail runs through their property. He stated that on November 15, 2002 they would be donating a conservation easement to the Western Wisconsin Land Trust, an easement covering all but five acres of their property. Thus the Ice Age Trail will be protected to near the western edge of the Brunkow property. They will only need to obtain trail through Brunkow to complete an almost uninterrupted length of trail from the Gandy Dancer to within a couple of miles of U.S. 63 near Cumberland. He concluded by saying that the population is growing fast and people need more natural areas for solitude. That the youth need more areas in which to have the same experiences he had when he was young. The Ice Age Trail needs a dedicated corridor crucial in connecting up trail in this part of the state. He urged the Board to approve the Brunkow acquisition.

Chairman Solberg thanked Mr. Lundberg for the conservation easement for the citizens of the State of Wisconsin.

Mr. Behnke MOVED, seconded by Mr. Willett approval of the approval of Straight River Wildlife Area and Straight Lake Wilderness State Park Feasibility Study and Project Establishment. The motion was carried unanimously by those members present. Mr. Tiefenthaler was absent.

- 6.B.6. Adoption of Emergency Order FH-43-02(E) – revision of Chapter NR 20, Wis. Adm. Code, pertaining to closing carp fishing on Cedar Lake and connecting water St. Croix and Polk County in response to carp viremia virus outbreak.

Mike Staggs, Director of Fisheries Management and Habitat Protection, presented the adoption of Emergency Order FH-43-02(E) pertaining to closing carp fishing on Cedar Lake and connecting waters of St. Croix and Polk County in response to carp viremia virus outbreak. An exotic fish virus, spring viremia of carp, is suspected of killing more than 10 tons of carp last spring and the previous fall in Cedar Lake in St. Croix and Polk Counties. The diagnosis represents the first time the virus has been documented in the wild in the United States. Spring viremia of carp was previously diagnosed this spring in a North Carolina fish farm that raises koi. The virus, which is widespread in Europe and found in Russia, Asia, and the Middle East, cannot infect humans. The disease is an international animal health concern, however, and, by treaty, requires confirmation of the virus by a designated laboratory, reporting to international animal health authorities, and other measures. Members of the minnow family, which include carp, are naturally susceptible to the virus, and northern pike fry also have been infected in laboratory studies. The possibility exists that the virus may have already passed to downstream waters. The outlet of Cedar Lake flows into the Apple River, which in turn flows into the St. Croix River and the Mississippi River. The proposed emergency rule would affect carp anglers and bow fishers on Cedar Lake and connected waters in St. Croix and Polk Counties. This rule would prohibit any method of fishing for carp, thus eliminating the potential for the virus to be spread via harvested carp or their bodily fluids. The Department is sampling Cedar Lake and connected waters to determine the extent of the virus. This emergency rule will close fishing for carp while the Department investigates the situation.

Mr. Willett MOVED, seconded by Mr. Behnke, adoption of Emergency Order FH-43-02(E) - revision of Chapter NR 20, Wis. Adm. Code, pertaining to closing carp fishing on Cedar Lake and connecting water St. Croix and Polk County in response to carp viremia virus outbreak, as presented. The order was carried unanimously by those members present. Mr. Tiefenthaler was absent.

Dick Steffes, Real Estate Director, presented the following land acquisitions:

- 6.B.7. Baileys Harbor Boreal Forest Natural Area land acquisition – Door County.

Mr. Willett MOVED, seconded by Mr. Behnke, that the Board approve the purchase of 15.8 acres from Robert and Mary Ann Dude for \$160,000 for the Baileys Harbor Boreal Forest Natural Area in Door County, as presented. The motion was carried unanimously by those members present. Mr. Tiefenthaler was absent.

- 6.B.8. Statewide Natural Areas land acquisition – Door County.

Mr. Willett MOVED, seconded by Mr. O'Brien, that the Board approve the purchase of 40 acres from Algoma Lumber Company for \$220,000 for the Statewide Natural Areas in Door County, as presented. The motion was carried unanimously by a vote of five to one those members present. Mr. Tiefenthaler was absent.

Yes

Herbert Behnke
Gerald O'Brien
Chairman Solberg
Catherine Stepp
Stephen Willett

Opposed

Dan Poulson

6.B.9. Statewide Natural Areas (Wild Lakes) land acquisition of an easement – Langlade County.

Mr. Willett MOVED, seconded by Mr. Behnke, that the Board approve the purchase of 325.6 acres from Terry and Greg Schroepfer for \$228,000 for the Statewide Natural Areas (Wild Lakes) of an easement in Langlade County, as presented. The motion was carried unanimously by those members present. Mr. Tiefenthaler was absent.

6.B.10. Statewide Natural Areas land acquisition – Waupaca County.

Mr. Steffes presented pictures of the land acquisition in Waupaca County. The Department has obtained an option to purchase 224.7 acres of land from Robert Fredrick et al for \$1,250,000 for the Statewide Natural Areas Program and Ice Age Trail in Waupaca County. The item is being submitted because the purchase price exceeds \$150,000. This property is exceptionally scenic with all of the one lake and parts of two others, as well as trout streams, included within its boundaries. The terrain is interesting and has wooded areas with lots of hills. Along with significant natural areas values, the parcel will provide a special segment for the Ice Age Trail. Federal funding of \$570,000 is available in support of the trail. Recommendation is that the Board approve the purchase of 224.7 acres of land for \$1,250,000 for the Statewide Natural Areas Program and Ice Age Trail.

Mr. Behnke commented on the tour he took of the property. He stated that this is a unique piece of property, this expands preservation to the public, the price is high, but yet they do get help funding it. Mr. Steffes responded that about half of this will be federal money.

Mr. Poulson asked if the portion of the federal funding was only to help with the trail or does it help purchase the property. Mr. Steffes responded that it helps purchase the property. It reduces the state share, not exactly 50/50, it is about 48/52 percent.

Mr. Behnke MOVED, seconded by Mr. O'Brien, that the Board approve the purchase of 224.7 acres from Robert Fredrick for \$1,250,000 for the Statewide Natural Areas Program and Ice Age Trail in Waupaca County, as presented. The motion was carried unanimously by those members present. Mr. Tiefenthaler was absent.

6.B.11. Scattered Wildlife Habitat land donation – Dunn County.

Mr. Poulson asked who owned the property at this time. Mr. Steffes responded that Pheasants Forever bought it two or three years ago. Mr. Poulson responded that it is a donation now to us. Mr. Steffes responded yes.

Mr. O'Brien MOVED, seconded by Mr. Behnke, that the Board approve the donation of 50 acres in the Town of Springbrook and the Town of Red Cedar from Red Cedar Pheasants Forever for the Scattered Wildlife Habitat Project in Dunn County, as presented. The motion was carried unanimously by those members present. Mr. Tiefenthaler was absent.

6.B.12. Willow Creek Fishery Area land acquisition – Richland County.

Mr. O'Brien asked what it was that we were purchasing with this land. Mr. Steffes responded that they would be purchasing a half-acre lot with a house. This is something that isn't usually brought to the Board unless they have it in the middle of a park. In this particular case it is in a flood zone area, Village of Ithaca, Richland County. FEMA, a Federal Management Agency, is paying 75 percent of the purchase price and Wisconsin Emergency Government is paying 1/8 percent. Leaving a cost to the State of Wisconsin Stewardship Fund of about 1/8 of the cost. This is within the project boundary and will be used as a parking area.

Mr. Willett MOVED, seconded by Mr. Behnke, that the Board approve the purchase of 0.53 acres from Larry and Sandra Luxton for \$54,000 for the Willow Creek Fishery Area in Richland County, as presented. The motion was carried unanimously by those members present. Mr. Tiefenthaler was absent.

6.B.13. Statewide Habitat Area land acquisition – Sauk County.

Mr. Steffes stated that this is an option to purchase 3.5 acres of land for \$240,000 for the Statewide Habitat Areas in Sauk County. The Department would use this site for shore fishing and a possible future boat landing. Mr. Steffes pointed out the map in the green sheet packet. The property includes about 525 feet of frontage on Lake Wisconsin. The property has an undisturbed shoreline that is a mix of trees and grass. The parcel proposed for acquisition is deep-water frontage that will provide good shore fishing opportunities. The parcel abuts the Badger Army Ammunition Plant pumping station located at the end of a peninsula of land jutting into Lake Wisconsin. Ownership of that parcel is being sought by the Department via federal transfer and purchase of this parcel will enhance the Department's application for the federal parcel pumping station. Mr. Steffes recommended that the Board approve the purchase of 3.5 acres of land for \$240,000 for the Statewide Habitat Area.

Mr. O'Brien MOVED, seconded by Mr. Behnke, that the Board approve the purchase of 3.5 acres from Evan and JoAnne Clingman for \$240,000 for the Statewide Habitat Area in Sauk County, as presented. The motion was lost by a vote of three to three. Mr. Tiefenthaler was absent.

Yes

**Herbert Behnke
Jerry O'Brien
Chairman Solberg**

Opposed

**Howard Poulson
Catherine Stepp
Stephen Willett**

7. Department Secretary's Matters.7.A. DONATION- from National Office and Marshfield Chapter of Whitetails Unlimited, Incorporated, for materials for chronic wasting disease equipment.

Mr. O'Brien MOVED, seconded by Mr. Willett, acceptance of the donation. The motion was carried unanimously by those members present. Mr. Tiefenthaler was absent.

7.B. DONATION – from The Lake Koshkonong Recreation Association for a gift of \$12,000.

Mr. O'Brien MOVED, seconded by Mr. Willett, acceptance of the donation. The motion was carried unanimously by those members present. Mr. Tiefenthaler was absent.

7.C. DONATION – from Walleyes for Tomorrow up to \$25,000 for the construction of a 1.65 acre rearing pond at the Kettle Moraine Springs Hatchery.

Mr. O'Brien MOVED, seconded by Mr. Willett, acceptance of the donation. The motion was carried unanimously by those members present. Mr. Tiefenthaler was absent.

* * * * *

The meeting adjourned at 4:45 p.m.